

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TRICIA A BEACHY**  
Claimant

**APPEAL 19A-UI-06802-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIoux CITY COMMUNITY SCHOOL DIST**  
Employer

**OC: 08/04/19**  
**Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

On August 26, 2019, the claimant filed an appeal from the August 21, 2019, (reference 02) unemployment insurance decision that denied benefits based on claimant's availability for work.

Claimant requested an in-person hearing. The hearing was scheduled in Sioux City, Iowa, for September 11, 2019. The parties were properly notified about the hearing.

On September 9, 2019, claimant requested to participate in the hearing by written statement because she is ill. The administrative law judge offered to allow claimant to participate by telephone or postpone the hearing. Claimant reiterated her request to participate in writing. The request was granted and employer was therefore permitted by the administrative law judge to attend by telephone.

A telephone hearing was held at the same scheduled time on September 11, 2019. Claimant participated in writing only. Employer participated through food service supervisor Rich Luze, field operations manager Anita Treglia-Foster, director of human resources Dr. Rita Vannatta, and assistant director of human resources Stefanie Verros. Employer's Exhibits 1 through 9 were received. Official notice was taken of the administrative record.

**ISSUE:**

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been diagnosed with congestive heart failure. Claimant's doctor has restricted her from working.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work effective August 4, 2019.

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that the individual is able to work, is available for work, and is earnestly and actively seeking work. Iowa Code § 96.4(3).

Iowa Admin. Code r. 871-24.22(1)a provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(1) Able to work. An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation, but which is engaged in by others as a means of livelihood.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

Iowa Admin. Code r. 871-24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

In this case, claimant is under the care of a medical practitioner and has not been released as able to work. Therefore, claimant is ineligible for unemployment insurance benefits.

**DECISION:**

The August 21, 2019, (reference 02) unemployment insurance decision is affirmed. Benefits are withheld until such time as the claimant obtains a full medical release to return to work, provided claimant is otherwise eligible.

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Christine A. Louis  
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Decision Dated and Mailed

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